

Scott A. Edelman (SE 5247)
Sander Bak (SB 2263)
Kylie Davidson (KD 0502)
Michael Shepherd (MS 1313)
MILBANK, TWEED, HADLEY & McCLOY LLP
1 Chase Manhattan Plaza
New York, NY 10005
(212) 530-5000

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re REFCO CAPITAL MARKETS, LTD.
BROKERAGE CUSTOMER SECURITIES
LITIGATION

06 Civ. 643 (GEL)

VR GLOBAL PARTNERS, L.P., et al,
Plaintiffs,

07 Civ. 8686 (GEL)

- against -

PHILLIP R. BENNETT, et al,
Defendants.

07 Civ. 8688 (GEL)

CAPITAL MANAGEMENT SELECT FUND
LTD., et al,
Plaintiffs,

- against -

PHILLIP R. BENNETT, et al,
Defendants.

PLAINTIFFS' NOTICE OF MOTION FOR RECONSIDERATION

Please Take Notice that, pursuant to Federal Rule of Civil Procedure 59(e) and Local Rule 6.3, and upon the accompanying Memorandum of Law, dated September 12, 2008; the Declaration of Sander Bak, executed on September 12, 2008, and the exhibits thereto; and the Declarations of Marc S. Kirschner and David Galfus, both executed on September 12, 2008, Plaintiffs in the above-captioned actions will move this Court, the Honorable Gerard E. Lynch presiding, at the United States Courthouse, 500 Pearl Street, New York, New York 10007-1581 for an order: (1) clarifying or amending the Court's August 28, 2008 Opinion and Order (the "Opinion") to grant Plaintiffs leave to replead to redress the deficiencies noted by the Court; (2) amending the Opinion to grant Plaintiffs leave to assert common law claims in the event that the Opinion is affirmed on appeal; and (3) for such other and further relief as this Court may deem just and proper.

Dated: New York, NY
September 12, 2008

MILBANK, TWEED, HADLEY & McCLOY LLP

/s/ Scott A. Edelman

Scott A. Edelman (SE 5247)
Sander Bak (SB 2263)
Kylie Davidson (KD 0502)
Michael Shepherd (MS 1313)
1 Chase Manhattan Plaza
New York, NY 10005
(212) 530-5000
SEdelman@milbank.com
*Counsel for the Capital Management and VR
Plaintiffs; Co-Lead Counsel for Lead Plaintiffs and
the Putative Class*

KIRBY McINERNEY & SQUIRE, LLP

/s/ Mark A. Strauss

Richard L. Stone (RS 5324)

Mark A. Strauss (MS 2288)

830 Third Avenue

New York, NY 10022

Tel.: (212) 371-6600

Fax: (212) 751-2540

mstrauss@kmlp.com

*Co-Lead Counsel for Lead Plaintiffs and the
Putative Class*